

EXHIBIT I

ORIGINAL

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDMUND BRYAN,

Plaintiff,

-against-

No. 07 Civ. 7300 (SHS

ECF Case

MEMORIAL SLOAN-KETTERING CANCER
CENTER,

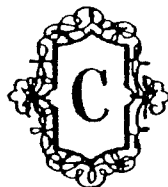
Defendant.
-----X

May 6, 2008
10:08 A.M.

Deposition of Non-Party Witness

DR. MICHAEL MURPHY, taken by Defendant and
Plaintiff, pursuant to Supboena, at the
offices of McDermott, Will & Emery, LLP, 340
Madison Avenue, New York, New York 10173,
before Charisse Romeo, a Shorthand Reporter
and Notary Public within and for the State of
New York.

ARTA PASCULLO, President



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1 M. Murphy

2 I made no note of the social
3 activities at that time.

4 Mental status examination: He is
5 a large black male wearing a skull cap and
6 looking his stated age. He was pleasant and
7 cooperative and also intelligent, continuous
8 circumstantial speech, but distractible. His
9 concentration was mildly impaired.

10 His thinking concerns activities
11 at the workplace, paranoia, no clear-cut
12 delusions. His affect was constricted, but
13 could smile. Was not suicidal or violent
14 ideation. His insight was moderately impaired
15 and his judgment mildly impaired.

16 My differential diagnosis at the
17 conclusion of the interview was Bipolar
18 Affective Disorder Type II hypomanic, Bipolar
19 Affective Disorder Type II mixed or
20 Schizoaffective Disorder.

21 The plan at that time was to
22 continue seeing Dr. Mayo on an individual
23 basis and I initiated the trial of medication,
24 Loxapine, 10 to 20 milligrams at bedtime. He
25 was to return to see me on May 21st.

1 M. Murphy

2 Q. So is it -- throughout your
3 notes, you made reference to paranoia?

4 A. Yes.

5 Q. Is paranoia a symptom of being
6 bipolar?

7 A. Not necessarily.

8 Q. Okay. Could it be?

9 A. It could be.

10 Q. Okay. In Mr. Bryan's case, is
11 there a relationship between the paranoia you
12 perceived as his possibly being bipolar?

13 A. I don't understand your question.

14 Q. Do you think the paranoia you've
15 described is related to his being bipolar?

16 A. Well, they can go hand in hand.

17 Q. Um --

18 A. But again, not necessarily.

19 Q. Not necessarily?

20 A. Correct.

21 Q. In terms of -- in terms of
22 getting along with other people, how does
23 being bipolar affect, if at all, your ability
24 to get along with other people?

25 A. Oh --

1 M. Murphy

2 in there in a generic sense where it is
3 synonymous with suspicious.

4 Q. So you weren't using it in a
5 medical sense?

6 A. No.

7 Q. No?

8 A. No.

9 Q. Well, let me ask you this: if you
10 would look at what I have as page 2 of your
11 notes, it is the top of the page.

12 A. Yes.

13 Q. He has some belief that others
14 who bump him on the street or in the subway
15 are sent by Memorial Sloan-Kettering, do you
16 remember writing that?

17 A. Yes.

18 Q. Do you remember what he told you,
19 how -- why you wrote that?

20 A. No more than I have noted there.

21 Q. Okay. Well, did you find it a
22 sign of paranoia that he has some belief that
23 people who bump him on the street or on the
24 subway have been sent by Memorial
25 Sloan-Kettering?

1 M. Murphy

2 A. Yes.

3 Q. Did you find that to be a
4 rational observation or an observation of
5 somebody who has a difficult time
6 distinguishing between reality and paranoia?

7 MR. RADOMISLI: Objection to
8 form.

9 You can answer.

10 A. I think it was questionable.

11 Q. Questionable?

12 A. Yes, the rationality of it.

13 Q. Would those kind of comments the
14 things that caused you to write paranoia, use
15 the term "paranoia" a lot?

16 MR. RADOMISLI: Objection to
17 form.

18 A. That would be one example.

19 Q. Would those kind of statements
20 lead you to doubt whether or not his
21 perception of things was, in fact, reality?

22 A. Yes, I would --

23 MR. RADOMISLI: Objection.

24 A. I would question perception, yes.

25 Q. In treating him, did you ever

1 M. Murphy

2 review -- were you ever aware that there had
3 been -- previously been a lawsuit that Mr.
4 Bryan had brought?

5 A. The only one I have is, again,
6 somewhere within the five years of my seeing
7 him, yes.

8 Q. If I told you that, in the prior
9 report, in the prior decision, if I told you
10 in the prior court case, Mr. Bryan testified
11 that he believes that ambulances that are
12 owned by New York Presbyterian Hospital follow
13 him around at the behest of Sloan-Kettering,
14 would you, based on that and based on what he
15 told you about people bumping him on the
16 street and subway, would that add to your
17 belief that he has a difficult time with
18 reality?

19 A. Yes.

20 MR. RADOMISLI: I'll object to
21 the extent that you are referring to
22 prior testimony. However, if you want
23 to refer, there is actually an
24 additional note in his original records
25 that is not part of the exhibit.

1 M. Murphy

2 illogical?

3 A. Yes.

4 Q. But he basically repeated the
5 same kind of remarkable and illogical claim
6 when he told you that he believed that people
7 who bump him on the subway or on the street
8 are sent by Memorial Sloan-Kettering; is that
9 correct?

10 A. Yes. I qualified it with he had
11 some belief.

12 Q. All right. Now, do you have --
13 based on your examination, do you believe that
14 Mr. Bryan is, given his condition, is capable
15 of supervising other employees?

16 MR. RADOMISLI: Objection.

17 A. What time are we referring to?

18 Q. When you -- right now, do you
19 think he is capable of supervising employees?

20 A. I don't know.

21 Q. Okay. And you say -- you asked
22 at what point in time.

23 Was there a point in time when it
24 would have been different?

25 A. Well, I've known Mr. Bryan for

1 M. Murphy

2 about a year now and there were ups and downs
3 and there would be times when he was not
4 emotionally disposed to supervising other
5 people.

6 Q. And what do you mean by that, he
7 was not emotionally disposed?

8 A. Well, he was quite anxious when
9 he was having anxiety attacks, if he was
10 crying, times like that.

11 Q. Okay. Did you find anything
12 clinically interesting in the fact that he had
13 fits of crying?

14 MR. RADOMISLI: Objection to
15 form.

16 Q. You can answer.

17 A. Totally understandable, given how
18 he described the work environment and the
19 adverse court decision.

20 Q. Yes, but as you now, now that
21 you've seen the court decision and based on
22 the comments you've gone over, do you now
23 believe that, in his description of his work
24 environment, that that is something to be
25 taken with a grain of salt?